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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,574	12/03/2003	Gudmundur Fertram Sigurjonsson	SIGU3011/JJC	5131

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EXAMINER

HAND, MELANIE JO

ART UNIT	PAPER NUMBER
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3761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	Application No. 10/725,574	Applicant(s) SIGURJONSSON ET AL.	
	Examiner Melanie J. Hand	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 8-12, 14-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8 and 11 is/are rejected.
- 7) ☒ Claim(s) 9, 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Objections*

Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Newly amended claim 1 contains the limitation of claim 6.

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 8-12, 14-19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addison et al (U.S. Patent No. 6,566,577) in view of Fabo (U.S. Patent No. 5,540,922).

With respect to **Claim 1**: Addison teaches a wound dressing 1 having opposed bodyside and backside surfaces, wherein the dressing comprises an absorbent core 9 defining opposed proximal and distal surfaces wherein the distal surface includes a central portion and a border portion, and a liquid impervious, vapor pervious backing layer 6 defining opposed proximal and distal surfaces. The proximal surface of the backing layer extends over the distal surface of the

absorbent core (Fig. 4) and defines a border portion extending beyond and surrounding peripheral edges of the absorbent core. The distal surface of backing layer 6 defines the backside surface of the dressing 1.

Addison does not teach a first adhesive facing layer composed solely of a skin adherent hydrophobic gel and secured to the proximal surface of the border portion of the backing layer. Fabo teaches a wound dressing comprising an absorbent foam having a first adhesive layer 3 composed solely of a skin adherent hydrophobic gel and secured to the proximal surface of the border portion of the backing layer 6, the first adhesive facing layer 3 defining a portion of the bodyside surface of the wound dressing and surrounding the peripheral edges of the absorbent core; wherein the first adhesive layer 3 is contiguous with the peripheral edges of the absorbent core. Fabo teaches that the use of the silicone gel adherent prevents injury to healing wound tissue when removing the bandage ('922, Col. 2, lines 21-34, 59-63), therefore it would be obvious to one of ordinary skill in the art to modify the device of Addison by substituting the silicone laminate facing layer with the gel facing layer taught by Fabo to prevent injury to healing wound tissue upon removal of said dressing.

With respect to **Claims 2,14**: As can be seen in Fig. 1 taught by Addison, the border portion of backing layer 6 is substantially parallel with the proximal surface of the core 9.

With respect to **Claim 3**: The backing layer taught by Addison extends along the peripheral edges of the absorbent core.

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With respect to **Claims 4,15**: As can be seen in Fig. 1 taught by Addison, the border portion of the backing layer includes at least two opposed elongate sections, each section extending from a corresponding side of the core 9.

With respect to **Claim 6**: The combined teaching of Addison and Fabo teaches a first facing layer that is a skin-adherent silicone gel.

With respect to **Claims 8,18**: The first adhesive facing layer taught by the combined teaching of Addison and Fabo is sufficiently porous (the gel taught by Fabo has perforations 4) so as not to occlude moisture transmission through the backing layer ('922, Abstract).

With respect to **Claim 11**: There is a longitudinal overlap formed when the mesh film taught by Addison is wrapped around the core. The film is bonded along the overlap, leaving the overlap portion free to be folded upward to form a compliant element that is detached from the distal surface of the absorbent core and that extends over an intermediate portion of the core between the central and border portions of the backing layer. ('577, Col. 3, lines 23-33)

#### ***Allowable Subject Matter***

Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Allowable Claims***

Claims 12,14-20, 22 and 23 are allowed.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand  
Examiner  
Art Unit 3761

February 15, 2007

**TATYANA ZALUKAEVA**  
**SUPERVISORY PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Tatyana', is written over the printed name and title.